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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,745	09/28/2001	Alan Wightman	DEXNON/095/PC/US	8639
2543	7590	10/22/2004	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			BOYD, JENNIFER A	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/869,745

Applicant(s)

WIGHTMAN ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: the proposed amendment would require an additional search/consideration for the newly added limitation of "at least some" woodpulp fibers.

Continuation of 5. does NOT place the application in condition for allowance because: it does not overcome the outstanding rejections. In response to Applicant's proposed amendment for claims 25, 30 and 39, the Examiner does not find support for such an amendment in the Specification. Please provide the line and page number in the Specification which provides support for the proposed amendment. In response to Applicant's arguments that the language of "wherein the web material exhibits lower cross direction wet expansion than a similar web material comprising only the same cellulosic fibers" is not indefinite, the Examiner respectfully argues the contrary. In claims 22, 29 and 34, the Applicant only claims a nonwoven web comprising cellulosic fibers and synthetic fibers, but compares the cross direction wet expansion value to a web comprising only cellulosic fibers. The Office is not equipped to do physical testing of the products in the invention and of the prior art, therefore, it is highly suggested that the Applicant provide a quantitative amount for the cross direction wet expansion rather than comparing it qualitatively. In response to Applicant's argument that Rose requires that the constituent fibers exhibit uniform formation and absorbency characteristics and Ito does not teach synthetic fibers meeting Rose's absorbency requirement, the Examiner argues that the Applicant's arguments do not suffice as evidence. The Examiner highly suggests to the Applicant to submit a 37 CFR 1.132 Declaration to establish absorbency properties of the fibers of Ito and Rose. Additionally, it would have been obvious to optimize the amount of synthetic fibers as a matter of routine experimentation. If the amount of fibers claimed is an unexpected result, the Examiner highly suggests the Applicant to submit a 37 C.F.R. 1.132 Declaration to support such arguments.

Jeff Bond
10/18/04

Ula Ruddock
Ula C. Ruddock
Primary Examiner
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